



IN THE UNITED STATES PATENT AND
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TECHNOLOGY CENTER R3700

Applicant: Enno Vrolijk

Group: 3749

Serial No.: 10/069,749

Examiner: Carl D. Price

Filed: July 2, 2002

Atty. Docket No.: 723-26366-US

For: CONTROL METHOD FOR GAS BURNERS

DECLARATION OF CHARLES J. UNGEMACH

Charles J. Ungemach, attorney presently handling the prosecution of patent application

Serial Number 10/069,749 filed July 2, 2002, hereby declares that:

- I. He has reviewed the PCT patents WO 99/63272 and WO 99/63273;
- II. He has reviewed U.S. Patent Application file serial number 09/701,664 filed March 9, 2001 and Patent Application file serial number 10/190,199 filed July 3, 2002 (a continuation of serial number 09/701,687 filed March 9, 2001) respectively;
- III. He has reviewed the prosecution file histories of the above U. S. Patent Application files; and
- IV. He has reviewed U.S. Patent Number 6,561,791 B1 issuing from the above application serial number 09/701,664 on May 13, 2003 and U.S. Patent Number 6,537,060 B2 issuing from the above application serial number 10/190,199 on March 25, 2003.

That as a result of these reviews he has determined that:

- A. Patent Applications serial numbers 09/701,664 and 09/701,687, respectively, are translations of and contain the same subject matter disclosed in WO 99/63272 and WO 99/63273 respectively;
- B. During the prosecution of serial numbers 09/701,664 and 10/190,199 (including serial number 09/701,687) while several amendments were made to the specifications and claims none resulted in the introduction of "new matter"; and
- C Patent numbers 6,561,791 B1 and 6, 537,060 disclose the same subject matter as WO 99/63272 and WO 99/63273 and do not contain "new matter."

Respectfully submitted,



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CJU